

**United States Bankruptcy Court
Eastern District of Pennsylvania**

In re:

Tri-State Paper, Inc.,

Debtor.

Case No. 23-13237-pmm

Chapter 11

Tri-State Paper, Inc.,

Plaintiff,

v.

Capuano's at Yardley, Inc.,

Defendant.

Adversary No. 23-00078-pmm

**Plaintiff's Request for Entry of Default
Against Defendant Capuano's at Yardley, Inc.**

To the Clerk of Court:

Defendant Capuano's at Yardley, Inc. has failed to appear, plead, or otherwise defend against Plaintiff Tri-State Paper, Inc.'s complaint for judgment for affirmative relief within the time allowed and is therefore in default as evidenced by the record and the declaration attached as Exhibit A.

Consequently, you must enter default against Defendant Capuano's at Yardley, Inc. pursuant to Fed. R. Bankr. P. 7055 and Fed. R. Civ. P. 55(a).

Date: December 14, 2023

CIBIK LAW, P.C.
Counsel for Plaintiff

By: /s/ Michael I. Assad

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**Exhibit A
Declaration in Support of Plaintiff's Request for Entry of Default**

I, Michael I. Assad, declare as follows:

1. I am the attorney for Plaintiff Tri-State Paper, Inc. in the above-entitled action and I am familiar with the file, records, and pleadings in this matter.
2. The complaint was filed on November 11, 2023, and the summons was filed on November 13, 2023.
3. The Defendant was served with a copy of the summons and complaint on November 13, 2023 as reflected on the docket sheet by the proof of service filed on November 13, 2023.
4. An answer to the complaint was due on December 13, 2023.
5. The Defendant has failed to appear, plead, or otherwise defend within the time allowed and, therefore, is now in default.
6. The Plaintiff requests that the clerk of court enter default against the Defendant.
7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: December 14, 2023

/s/ Michael I. Assad
Michael I. Assad (#330937)